

Records Bureau

806.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Elk Grove Police Department Records Bureau. The policy addresses department file access and internal requests for case reports.

806.2 POLICY

It is the policy of the Elk Grove Police Department to maintain department records securely, professionally and efficiently.

806.3 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the Elk Grove Police Department and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Records Supervisor. The Records Supervisor will forward the petition to the Lieutenant in charge of the Investigative Services Division who will determine whether the petition will be granted or denied.

The Records Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

If the petition is denied, the original petition along with a letter of denial, drafted by the Records Supervisor, will be mailed to the petitioner. The petitioner can then contact the District Attorney's Office to seek factual innocence, if they choose to do so.

Upon determination that a finding of factual innocence is appropriate, the Records Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California Department of Justice and other law enforcement agencies (Penal Code § 851.8).

806.4 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Patrol Division Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.
- (c) The Bureau of Criminal Identification and Investigation of the DOJ is notified.

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806.5 FILE ACCESS AND SECURITY

The security of files in the Records Bureau must be a high priority and shall be maintained as mandated by state or federal law. All case reports including, but not limited to, initial, supplemental, follow-up, evidence and any other reports related to a police department case, including field interview (FI) cards, criminal history records and publicly accessible logs, shall be maintained in a secure area within the Records Bureau, accessible only by authorized members of the Records Bureau. Access to case reports or files when Records Bureau staff is not available may be obtained through the Watch Commander.

The Records Bureau will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

806.6 ORIGINAL CASE REPORTS

Original reports, located electronically on the Department's Records Management System or in the Records Bureau, shall not be released to a requesting employee. A photocopy of the report must be made when a record is released to a requesting employee.

806.7 CONFIDENTIALITY

Records Bureau staff has access to information that may be confidential or sensitive in nature. Records Bureau staff shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether in hard copy or electronic file format, or any other confidential, protected or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Bureau procedure manual.